

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>KORNELL, et al.,</b>	)	<b>CASE NO. 1:18-MC-25</b>
	)	
<b>Plaintiffs,</b>	)	<b>JUDGE DAN AARON POLSTER</b>
	)	
<b>vs.</b>	)	<b><u>OPINION AND ORDER</u></b>
	)	
<b>HAVERHILL RETIREMENT SYSTEM,</b>	)	
	)	
<b>Defendant.</b>	)	

On March 5, 2018, Plaintiffs Keith Kornell and Gregory Galan initiated the instant action by filing a Motion to Quash Deposition Subpoenas. Doc #: 1.<sup>1</sup> The underlying litigation is a class action currently pending in the Southern District of New York before Judge Lorna G. Schofield. *See In re Foreign Exchange Benchmark Rates Antitrust Litigation*, 1:13-cv-7789. Plaintiffs are unnamed class members in that litigation. Judge Schofield preliminarily approved a settlement in the underlying class action on September 29, 2017, Doc #: 882, and set a fairness hearing for May 23, 2018. Doc #: 883. The Class filed a Motion for Attorneys Fees and Reimbursement of Litigation Expenses on January 12, 2018. Doc #: 937. Plaintiffs filed an Opposition to this Motion on February 6, 2018. Doc #: 963. The Class issued subpoenas on

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<sup>1</sup>All other docket references correspond with the Southern District of New York litigation.

February 20, 2018, requiring depositions and discovery production from Plaintiffs. *See* Motion to Quash, Ex. B & C. The depositions are to take place on March 30, 2018 in Cleveland, Ohio.

Under Federal Rule of Civil Procedure 45(f), a court may transfer a subpoena-related motion, such as the instant motion, back to the issuing court. In this case, the Southern District of New York is both the issuing court and the court that will conduct the fairness hearing. The court conducting the final approval hearing is best situated to determine what pre-fairness hearing discovery of unnamed plaintiffs is appropriate. Accordingly, the Court **TRANSFERS** Plaintiffs' Motion to Quash Deposition Subpoenas to the Southern District of New York for Judge Schofield's consideration.

**IT IS SO ORDERED.**

/s/ *Dan A. Polster*    *March 7, 2018*  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**